THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.14639 of 2005

ORAL ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the third respondent in conducting auction of lease hold rights of the land to an extent of Ac.4-38 cents situated in R.S.No.395/Z, Ragampet, East Godavari district as arbitrary, illegal and violative of Articles 14, 19 and 21 of the Constitution of India and further to declare that the petitioner is entitled to be continued as a tenant.

According to the petitioner, he is cultivating an extent of Ac.4-38 cents of dry land belonging to third respondent Temple for the past six years and paying agreed rent (makhta) regularly and there was no default in payment of makhta. While the matter stood, he made a representation to the second respondent seeking declaration as small farmer under Section 82(2) of Act 30/87 as amended by Act 27/2002. Along with the representation, he also submitted a certificate issued by the Mandal Revenue Officer stating that he does not possess any land. According to the petitioner, second respondent, without conducting any enquiry as to the genuineness or otherwise of the certificate issued by the Mandal Revenue Officer, has passed order dated 18.6.2005 in M.A.No.3683 of 2005 rejecting his request for declaring him as landless poor. Questioning the same, petitioner approached the appellate authority-first respondent by way of Appeal No.188/05. Along with the appeal, he also filed stay petition seeking stay of the operation of the order of the second respondent dated 18.6.2005. No orders have been passed either in the appeal or in the stay petition and in the meanwhile, third respondent is proposing to conduct public auction, thereby taking steps to evict the petitioner.

Hence the writ petition.

This Court, while admitting the writ petition on 7.7.2005, did not any stay of the proposed auction by the third respondent.

In view of the above, without expressing any opinion on merits, particularly in view of the fact that the appeal filed by the petitioner is pending before the first respondent, the first respondent is directed to dispose of the Appeal No.188 of 2005 purported to be pending before him, within a period of six weeks from the date of receipt of a copy of this order, if not already disposed of and communicate the same to the petitioner.

The writ petition is accordingly disposed of. No order as to costs.

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C.V.RAMULU,
J

Date: 8.8.2007

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THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.14639 of 2005

8.8.2007

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V. RAMULU

W.P.No.14639 of 2005

Date: 8th August, 2007

Between:

Kurukuri Rudra Raju

.. Petitioner

And

The Regional Joint Commissioner,
Endowments Department (Multi Zone-I),
Kakinada, East Godavari district & others.

.. Respondents